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BOARD OF PHARMACY,

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

JOSEPH PUCCI

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

and

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE PERMIT OF

GARDEN PHARMACY

TO OPERATE A PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Garden Pharmacy was a permit holder at all times relevant hereto.

3. On October 5, 2001 respondent Joseph Pucci pled guilty to the crime of Conspiracy to Defraud the United States and to Purchase Drug Samples in Violation of Law in the United States District Court, District of New Jersey. Specifically, from 1994 through 1997, respondent knowingly purchased diverted drug samples from other persons for a discounted price and thereafter sold the samples to the public as prescription drugs from Garden Pharmacy. For the most part, the drugs did not contain the control number, the expiration date and adequate labeling for such drugs.

4. Sentencing is scheduled in March of 2002.

CONCLUSIONS OF LAW

1. The above plea of guilt provides grounds for the suspension of his license to practice pharmacy and his right to operate a pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crime to which respondent has pled is one of moral turpitude and/or relates adversely to the practice of pharmacy.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice pharmacy in the State of New Jersey was entered on January 10, 2002 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification

or dismissal setting forth in wrany and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor. The respondent submitted mitigations for Board consideration, to wit: supporting documents for the good character and professionalism of Eileen Pucci, R.P.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. However, the Board was persuaded that the submitted materials demonstrated good cause to permit Eileen Pucci to become the 100% owner and permit holder of Garden Pharmacy.

ACCORDINGLY, IT IS on this day of , 2002,

ORDERED that:

1. Respondent's license to practice pharmacy and his permit to operate Garden Pharmacy in the State of New Jersey be and hereby are revoked with no right to request reinstatement prior to the termination of all criminal probation or supervised release. Respondent shall divest himself of all ownership which he presently holds in Garden Pharmacy to a person unrelated to him through consanguinity or marriage or to a partnership or corporation in which none of the partners or principals are related to him through consanguinity or marriage. Notwithstanding the aforementioned

limitations on the transfer of permit, respondent may execute a bona fide transfer of his interest to his wife, Eileen Pucci, R.P.

2. Prior to resuming active practice in New Jersey respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice, and any practice in this State prior to said appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

3. Effective with the entry of this Order respondent shall cease and desist the practice of pharmacy in any manner or form, including but not limited to the following: he shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not engage in the acceptance of any prescription in person or by telephone; he shall not engage in the verification of refill authorization by telephone; he shall not advise or consult with any person concerning the properties and actions of drugs.

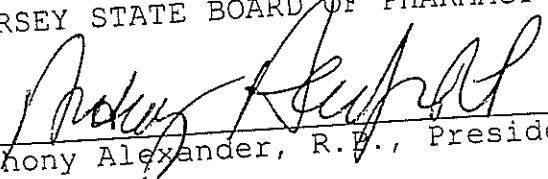
4. Joseph Pucci shall refrain from entering the premises of Garden Pharmacy and shall refrain from engaging in any pharmacy, insurance and business aspects of the operation of Garden Pharmacy, on or off the permitted premises.

5. The permit of Garden Pharmacy shall be placed on probationary status for the duration of respondent Pucci's period

of licensure suspension. Should respondent violate the terms of the within Order the Board shall initiate disciplinary action on short notice for the active suspension of Garden Pharmacy's permit.

NEW JERSEY STATE BOARD OF PHARMACY

By:


Anthony Alexander, R.P., President

JOHN J. FARMER, JR.
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JAN 10 2002

BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

JOSEPH PUCCI

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

and

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE PERMIT OF

GARDEN PHARMACY

TO OPERATE A PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Garden Pharmacy was a permit holder at all times relevant hereto.

3. On October 5, 2001 respondent pled guilty to the crime of Conspiracy to Defraud the United States and to purchase drug samples in violation of law in the United States District Court, District of New Jersey. Specifically, from 1994 through 1997, respondent knowingly purchased diverted drug samples from other persons for a discounted price and thereafter sold the samples to the public as prescription drugs from Garden Pharmacy. For the most part, the drugs did not contain the control number, the expiration date and adequate labeling for such drugs.

4. Sentencing will occur on January 28, 2002.

CONCLUSIONS OF LAW

1. The above plea of guilt provides grounds for the suspension of his license to practice pharmacy and his right to operate a pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crime to which respondent has pled is one of moral turpitude and/or relates adversely to the practice of pharmacy.

ACCORDINGLY, IT IS on this 9th day of January, 2002,
ORDERED that:

1. Respondent's license to practice pharmacy and permit to operate Garden Pharmacy in the State of New Jersey be and hereby are revoked. Respondent shall have six months from the date of entry of the Final Order to divest himself of all ownership which he presently holds in Garden Pharmacy to a person unrelated to him through consanguinity or marriage or to a partnership or corporation in which none of the partners or principals are related to him through consanguinity or marriage.

2. Prior to resuming active practice in New Jersey respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice, and any practice in this State prior to said appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

(a) Submitting a written request for modification or dismissal to, Deborah Whipple, Executive Director, State Board of Pharmacy, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

(b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

(c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

NEW JERSEY STATE BOARD OF PHARMACY

By: 

Anthony Alexander, R.Ph., President

1998R02698/RJS

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : HON.

v. : CRIM. NO.

JOSEPH PUCCI : 18 U.S.C. § 371

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE

(Conspiracy to Defraud the United States and
to Purchase Drug Samples In Violation of Law)

The Defendant

1. At all times relevant to this Information, defendant JOSEPH PUCCI was a resident of Monmouth Beach, New Jersey, was a licensed pharmacist, and was the President of New Garden Pharmacy, Inc. PUCCI owned and operated the Garden Pharmacy, a pharmacy in Neptune, New Jersey licensed by the State of New Jersey to sell prescription drugs to the public.

The FDA's Function

2. At all times relevant to this Information, the United States Food and Drug Administration ("FDA") was the federal agency responsible for protecting the health and safety of the American public by ensuring, among other things, that American consumers could purchase prescription drugs with the certainty that the products were safe and effective, that the packaging for such drugs bore adequate labeling to identify the name of the drug and to provide a control number so that drugs could be recalled if necessary, and that drugs were not used after the

and impeding by craft, trickery, deceit, and dishonest means its lawful and proper government functions of ensuring that drugs were safe and effective for their intended uses, that such drugs were distributed with adequate labeling and that drugs were dispensed to the public to ensure effective control over, and knowledge of, the true source of the prescription drug; and

(b) to violate Title 21, United States Code, Section 353(c)(1), by knowingly and wilfully purchasing a drug sample.

The Principal Object of the Conspiracy

7. The principal object of the conspiracy was for JOSEPH PUCCI and Garden Pharmacy to purchase diverted drug samples from other persons for a discounted price and thereafter, to sell the samples to the public as prescription drugs.

Means and Methods of the Conspiracy

8. It was a part of the conspiracy that defendant PUCCI paid a sundry salesman and a pharmaceutical sales representative who delivered drug samples in plastic baggies to Garden Pharmacy.

9. It was a further part of the conspiracy that defendant PUCCI paid a pharmacist from Deal Pharmacy who delivered drug samples in plastic baggies to Garden Pharmacy.

10. It was a further part of the conspiracy that defendant PUCCI purchased drug samples from a pharmacist from Avon Pharmacy in Wall, New Jersey.

11. It was a further part of the conspiracy that the drug samples sold to Garden Pharmacy did not in most cases contain the control number, expiration date and adequate labeling for such drugs.

12. It was a further part of the conspiracy that defendant JOSEPH PUCCI sold the drug

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samples he obtained from the sundry salesman, the pharmaceutical salesman and the two pharmacists to the public as prescription drugs. Thus, the purchasing consumer was unable to determine the true source of the prescription drug or whether the drug was outdated.

13. It was a further part of the conspiracy that from in or about 1994 through in or about 1997, defendant JOSEPH PUCCI paid the sundry salesman, the pharmaceutical salesman and the two pharmacists thousands of dollars to obtain diverted drug samples.

OVERT ACTS

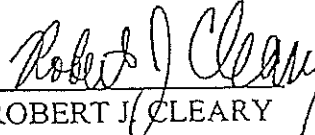
14A-C. In furtherance of the conspiracy and to effect the objects thereof, defendant PUCCI and his coconspirators committed, and caused to be committed, the following overt acts in the District of New Jersey and elsewhere:

14A. In or about 1995, PUCCI paid a sundry salesman who delivered prescription pills in plastic baggies such as, biacin, cipro, ceftin, procordia, cardizem, and zantac.

14B. In or about 1995, defendant PUCCI paid a pharmacist from Avon Pharmacy who sold drug samples to defendant PUCCI.

14C. In or about 1997, defendant PUCCI paid cash to a pharmacist from Deal Pharmacy who delivered prescription pills in plastic baggies to be used by Garden Pharmacy to fill prescriptions.

All in violation of Title 18, United States Code, Section 371.


ROBERT J. CLEARY
United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

JOSEPH PUCCI

INFORMATION

18 U.S.C. § 371

ROBERT J. CLEARY
UNITED STATES ATTORNEY
NEWARK, NEW JERSEY

RICHARD J. SCHECHTER
ASSISTANT U.S. ATTORNEY
NEWARK, NEW JERSEY